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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

IN THE MATTER OF

JOSEPH S. HANNAH, D.M.D.  
License No. DI 14682

LICENSED TO PRACTICE DENTISTRY  
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

**CERTIFIED TRUE COPY**

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the October 6, 2005 application of Joseph S. Hannah, D.M.D. ("respondent"), through his counsel, Edward C. Bertucio, Jr., Esq., seeking to remove the remaining restrictions imposed upon his practice. The Order of Reinstatement filed with the Board on July 11, 2001 required respondent: to treat only those patients over the age of 18; to treat adult female patients only when a Board approved monitor, specifically a dental hygienist or a dental assistant licensed or registered with the Board, is physically present in the office; to continue in therapy not less than one time per month; to submit a log book containing the dates on which respondent engages in the practice of dentistry and the name of the Board approved monitor. The Board was to approve any substitution of the monitor. Respondent submitted a previous request to the Board, dated July 29, 2004 seeking to remove the remaining restrictions imposed upon his practice.

In response to the July 29, 2004 application, the Board agreed to remove the requirement that respondent attend monthly therapy sessions and also agreed to lift the requirement that respondent obtain Board approval before being permitted to substitute a monitor. However, the Board declined to remove the other restrictions outlined in the July 11, 2001 order. The Board previously agreed to the modifications based on a review of the December 4, 2003 report of Howard D. Silverman, Ph. D., respondent's treating psychotherapist, as well as the January 13, 2004 report of Philip Witt, Ph.D., a psychologist who at respondent's request, provided an evaluation of respondent, and the May 1, 2003 report of Jeffrey B. Allen, Ph.D., a psychologist who at the Board's request provided an independent evaluation of respondent.

However, the Board declined at the time to lift the restrictions concerning the treatment of adult female patients and the treatment of patients under age 18. The Board declined to remove these restrictions due to continuing concerns expressed by Dr. Witt and Dr. Allen. Dr. Witt believed respondent should continue to receive line of sight supervision by a dental assistant or dental hygienist, but under this supervision, respondent could be allowed to treat adolescents. Alternatively, Dr. Witt stated respondent could have the line of sight monitoring restriction removed, but the practice would be restricted to the treatment of adult patients. Under either scenario, Dr. Witt believed respondent would need to continue in psychotherapy to assure respondent's adjustment to the reduced requirements continues to be favorable.

Dr. Allen believed the restriction involving line of sight supervision by dental monitors should continue for the present time. Dr. Allen believed respondent required further therapy to achieve an understanding of the internal factors that contributed to his sexually abusive behaviors toward his female patients. Dr. Allen strongly recommended sex-offender specific group therapy to address this issue followed by a reevaluation after 12 months.

As a result, the Board believed that both opinions, taken as a whole, failed to demonstrate at the time that the restrictions regarding the treatment of adult female patients and patients under

the age of 18 should be modified. Instead, the Board voted to review respondent's request to modify these remaining restrictions if he agreed to comply with Dr. Allen's recommendation to complete a sex-offender specific group therapy program by a mental health professional experienced in the treatment of sex offenders.

On May 16, 2005, respondent began treating with Judith A. Loder, LCSW, director of a group therapy program for sex offenders at the Family Growth Program in Red Bank, New Jersey. According to a report furnished by Ms. Loder, dated October 3, 2005, respondent attended two eight week cycles of the program. His attendance was good and he participated on a weekly basis. Ms. Loder opined she did not see any reason for respondent to continue attending the group. Respondent successfully completed the program, taking full responsibility for his actions and understanding the internal factors that contributed to his sexually abusive behaviors.

In a letter dated October 6, 2005, respondent, through his attorney Edward Bertucio, Jr., requested that the remaining restrictions placed on his dental license, regarding the treatment of adult women and patients under age 18, be lifted. In response, the Board determined respondent should be reevaluated by Dr. Jeffrey Allen with a recommendation concerning whether the restrictions regarding the treatment of adult women, as well as patients under the age of 18, should be lifted.

On December 20, 2005, respondent was reevaluated by Dr. Allen. In his report, Dr. Allen remarked that many of the external risk factors associated with respondent's offensive behavior have improved or been resolved. Additionally, the internal factors appear to have been raised and addressed in his group therapy. Dr. Allen believed respondent appeared to have made a good faith effort to address the risk factors associated with his offenses against patients. However, Dr. Allen also opined that respondent's insight into the link between his emotional states, such as feelings of anger, and his sexual offenses against patients still appeared partial and superficial.

Dr. Allen concluded that respondent would benefit from a short course of intensive individual psychotherapy with a mental health professional qualified by training and experience to treat sexual offenders. The focus of this therapy should be on: 1) the reasons respondent chose to act out his anger and other emotions in a specifically sexual manner and 2) the degree to which respondent found his actions sexually arousing. With regard to the request to remove the remaining restrictions on his dental license, Dr. Allen concluded the line of sight supervision by dental monitors acceptable to the Board should continue. However, Dr. Allen also recommended that the restriction on treatment of patients under the age of 18 could be removed as long as these younger patients are treated with the dental monitor present in the room. Finally, Dr. Allen recommended a reevaluation of respondent's treatment progress after six months of individual therapy.

Having reviewed the entire record, including the report of Judith Loder, LCSW and the report of Dr. Jeffrey Allen, it appears to the Board that while it is necessary to maintain some of the current restrictions, some modification is warranted. Therefore, it appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 25<sup>th</sup> DAY OF JULY, 2006

HEREBY ORDERED THAT:

1. Respondent may treat adult female patients and patients under the age of 18 only when a Board approved monitor, specifically a dental hygienist or a dental assistant licensed or registered with the Board, is physically present in the office. Respondent is no longer required to obtain formal Board approval for the dental assistant or dental hygienist he employs as a monitor. Instead, respondent may contact the Board office with the name of the proposed dental assistant or dental hygienist, and may employ them upon verification that they are licensed and in good standing in the State of New Jersey.

- (a) The monitor shall be in direct line of observation of the patient at all times and shall not perform any function other than monitoring while respondent renders diagnostic

treatment or other dental services to any female patient or patient under 18 years of age. The Board approved monitor, shall be made fully aware of respondent's history and status with the Board. The Board approved monitor shall agree to be responsible for immediately reporting to the Board orally and in writing within twenty-four (24) hours any evidence or behavior indicating that respondent is engaging in improper conduct toward any patient. At no time shall respondent practice dentistry on a female adult patient or a patient under 18 without a Board approved monitor until further order of the Board.

(b) The monitor shall initial and date each patient chart at the conclusion of the monitored visit.

(c) In the event a monitor is not present, respondent shall reschedule appointments to a time when the monitor will be present.

(d) Should respondent fail to comply with any provision of this Order, the monitor shall immediately (within 24 hours of awareness) notify the Board of the non-compliance by telephone to Kevin B. Earle, the Board's Executive Director, at (973) 504-6405. That conversation shall be memorialized in writing to the Board and mailed to the New Jersey Board of Dentistry, P.O. Box 45005, Newark, New Jersey, 07101.

(e) Respondent shall maintain a log book which shall contain the dates on which he engages in the practice of dentistry and the name of the Board approved monitor. That log book shall be initialed by the monitor after each date on which treatment was rendered and the monitor was present. Respondent shall forward a copy of the log book to the Board on a quarterly basis.

(f) Respondent shall provide a copy of this order to the monitor or any successor and shall cause the monitor to acknowledge in writing to the Board receipt of this order and her or his willingness to abide by its terms.

(g) Respondent shall notify the Board immediately if the Board approved monitor is no longer serving in that capacity. Any replacement or substitution of the monitor shall only occur

upon contacting the Board office with the name of the registered hygienist or registered assistant he intends to employ in order to verify that they are licensed and in good standing in the State of New Jersey, and upon satisfaction of paragraph (f) above.

2. Respondent shall provide to the Board a letter from a licensed New Jersey dentist in good standing, who has agreed and is able to provide emergency coverage for respondent's patients in the event respondent is unable to treat a patient because of the lack of a Board monitor.


3. Respondent will engage in a six month course of intensive individual psychotherapy with a mental health professional qualified by training and experience to treat sexual offending. Specifically, the focus of the therapy should be on those issues outlined by Dr. Allen in his report which require resolution. After completion of the six month course, respondent may submit a report regarding his progress in therapy.

4. Failure to comply with any of the terms of this order shall be cause for the Attorney General to apply for relief from the Board in a summary action on three days notice to respondent or his attorney. Proof at such hearing shall be limited to whether this Order has been violated and evidence in mitigation of sanction to be imposed.

NEW JERSEY STATE BOARD OF DENTISTRY

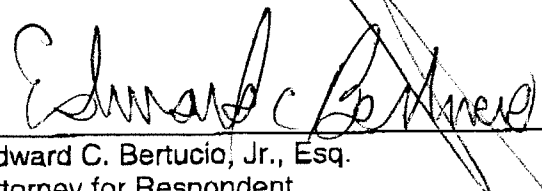
By: Herbert B. Dollnsky, D.D.S.  
Herbert B. Dollnsky, D.D.S., President

I have read and I understand the terms of this order and agree to be bound by it. I consent to the entry of this Order.

  
Joseph S. Hannah, D.M.D.

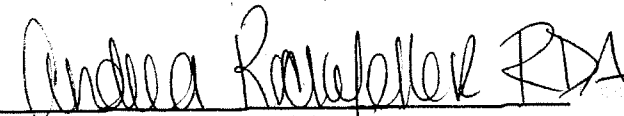
Date: 6-29-06

Consent is hereby given as to the form and entry of this Order.

  
Edward C. Bertucio, Jr., Esq.  
Attorney for Respondent

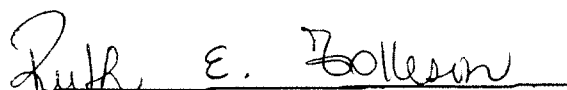
Date: 7/17/06

I agree to be responsible for the monitoring and reporting regarding Dr. Joseph S. Hannah as outlined above.

  
Andrea Rockefeller, RDA

Date: 6-29-06

I agree to be responsible for the monitoring and reporting regarding Dr. Joseph S. Hannah as outlined above.

  
Ruth Tolleson, RDA

Date: 6-28-06